

App. No. 10/690,392
Amendment B
Page 6

R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. New claims 16 and 17 have been added. Support for the new claims can be found throughout the originally filed specification, claims and drawings. For example, support for new claims 16 and 17 can be found at page 10, line 31 through page 11, line 7 and page 13, lines 10-25. Seven claims are pending in the application: claims 1-3 and 12-15.

Specification

The specification stands objected to at page 10, lines 32-33. The specification has been amended as suggested by the Examiner. Thus, the objection is overcome.

The specification stands objected to at page 13, line 4. The specification has been amended as suggested by the Examiner. Thus, the objection is overcome.

The specification stands objected to at page 13, line 31. The specification has been amended as suggested by the Examiner. Thus, the objection is overcome.

Drawings

Figures 4, 7-9, 12, 14-16, 18 and 20-22 stand objected to for having text that is too small, and/or having text that is marked over by lines or stippling.

The present application was originally filed with informal drawings that contain stippling and some illegible text. Applicants, however, filed formal drawings on February 12, 2004. The formal drawings do not contain any stippling or illegible

App. No. 10/690,392
Amendment B
Page 7

text. It appears that the present objection was based upon a examination of the originally filed informal drawings and that the formal drawings filed on February 12, 2004 have not been considered. Therefore, Applicants respectfully submit that the objection to the drawings is overcome and request the Examiner to reconsider the objection in view of the formal drawings that are of record.

35 U.S.C. § 101

Claims 1-3 and 12-15 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

Applicants specifically traverse the rejection that the recited methods are a "mental process" as asserted by the Examiner. However, the recited the claims have been amended as suggested by the Examiner in order to move the claims toward allowance.

35 U.S.C. § 102

Claims 1-3 and 12-15 stand rejected under 35 U.S.C. § 102 as being anticipated by Marmel, Elaine, Microsoft Project 2000 Bible, Chapter 17 - "Coordinating Multiple Projects" (IDG Books Worldwide, Inc., 2000) (referred to herein as "Microsoft Project").

At the outset, Applicants note that the Examiner has included the language "EXAMINER'S INTERPRETATION" throughout the office action. Applicants specifically traverse the meaning attributed to the limitations of Applicants' claims. Furthermore, when construing the meaning of the patent claims the primary sources to be consulted are: (i) the language of the claim, (ii) the patent's specification, and (iii) the prosecution

App. No. 10/690,392

Amendment B

Page 8

history of the patent. These sources are called the "intrinsic evidence" as they are in the public record and available for all to consult when determining the meaning and scope of a patent claim. The words, phrases, and terms in patent claims are presumed to take on the ordinary and customary meaning attributed to them by those of ordinary skill in the art, unless it is clear that a meaning other than the ordinary meaning was intended. Still further, the claims are to be given their full breadth and not limited to any specific example contained in the specification. Such interpretation can improperly read limitations from the specification into the claims. Therefore, Applicants submit that the claims are not limited to any of the specific examples recited by the Examiner but are to be given their full breadth in accordance with the applicable law of claim construction.

Microsoft Project discloses a program that can consolidate smaller projects into one larger project. When a subproject is created, it is saved as a separate project file. This allows for creation separate projects for small parts of a larger project. When the big picture is desired to be viewed, the subprojects are consolidated into one large project (See page 456 of Microsoft Project). Thus, multiple projects are actually created and one project (either a subproject or the large project) is accessed at any given time. Note that in any instance, there is only one project file currently being worked upon or viewed. Furthermore, when accessing any project, the entire project folder is open.

On page 461 of Microsoft Project, a large project structure is shown that includes all of the subprojects. The project structure of the large project is shown at the left side

App. No. 10/690,392

Amendment B

Page 9

of Fig. 17-3 and the task chart is shown at the right side of Fig. 17-3. Only the tasks within "subproject2" are shown in the task chart. In order to display tasks outside of "subproject2" the user must select a new portion of the project from the project structure. Thus, a task outside of a selected portion of the project structure is not shown in the tasks chart (also referred to herein as a Gantt chart).

Turning now to the specific rejections, Claim 1, recites:

displaying a plurality of tasks within a selected set of data as a first part of the program management chart; and
displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart.

The recited steps are directed to creating a single program management chart. The Examiner has interpreted the first step of "displaying a plurality of tasks...as a first part of the program management chart" to be the display of a "work breakdown structure tree". The work breakdown structure tree is not part of the program management chart. The work breakdown structure tree, as described throughout the application, is for example, an expandable table that is representative of different projects available to a user and the different levels within a project. The program management chart is separate from the work breakdown structure tree. The recited steps are directed to the display of the program management chart and not the display of a "work breakdown structure tree."

While Microsoft Project discloses having a project structure displayed along with a task chart or Gantt chart as

App. No. 10/690,392

Amendment B

Page 10

described by the Examiner, Microsoft Project does not disclose the steps of "displaying a plurality of tasks within a selected set of data as a first part of the program management chart; and displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart."

Specifically, the Examiner has equated part of the project breakdown to be part of the program management chart that displays a task that is outside of the selected set of data. However, the project breakdown (shown at the left side of Fig. 17-3 of Microsoft Project) is not part of the program management chart. Therefore, displaying the project breakdown does not teach or suggest "displaying a task that is outside of the selected set of data but that is associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart." That is the project breakdown is not part of the program management chart.

As described throughout the specification of Applicants invention, in one embodiment, task data within the selected set of data can include header data, for example, that allow for a task to be displayed within the program management chart when the task is outside of a selected set of data. Further, as described above, Microsoft Project only displays task within a selected portion of a project (for example, the tasks within "subproject2"). Thus, Applicants respectfully submit that Microsoft Project does not disclose each and every element of claim 1 and thus, does not anticipate claim 1.

Therefore, Applicants respectfully submit the rejection is overcome and claim 1 is in condition for allowance. Claims 2-

App. No. 10/690,392
Amendment B
Page 11

3 and 16 are in condition for allowance at least because of their dependency upon claim 1. Regarding new claim 16, Microsoft Project does not teach or suggest "accessing header data associated with at least one of the plurality of tasks within the selected set of data in order to display the task that is outside of the selected set of data." In the system described in Microsoft Project, in order to display a task within a project, the task data for the task is directly accessed. Accessing header data associated with a different task is not taught or suggested by Microsoft Project.

Independent claim 12 recites "accessing a subset of data within a project; displaying a plurality of tasks associated with the subset of data; and displaying a task that is outside of the subset of data." As described above with reference to claim 1, in Microsoft Project, a task that is outside of the selected subproject is never displayed. Only tasks within a selected subproject (e.g., "subproject2") are displayed. Further, as described above, the project structure shown on the left side of Fig. 17-3 in Microsoft Project is not a part of the program management chart. Therefore, Microsoft Project does not disclose a method of creating a program management chart including the step of "displaying a task that is outside of the subset of data," as recited in claim 12. Only tasks within a selected set of data are displayed in Microsoft Project.

Therefore, Applicants respectfully submit that Microsoft Project does not disclose each and every element of claim 12 and thus does not anticipate claim 12. Claims 13-15 and 17 are in condition for allowance at least because of their dependency upon claim 12. Regarding new claim 17, Microsoft Project does not teach or suggest "accessing header data

App. No. 10/690,392

Amendment B

Page 12

associated with at least one of the plurality of tasks within the subset of data in order to display the task that is outside of the subset of data." In the system described in Microsoft Project, in order to display a task within a project, the task data for the task is directly accessed. Accessing header data associated with a different task is not taught or suggested by Microsoft Project.

Thus, Applicants respectfully submit the rejection is overcome and all of the pending claims are in condition for allowance.

App. No. 10/690,392

Amendment B

Page 13

C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebans at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Martin R. Bader
Reg. No. 54,736

Dated: November 10, 2005

Address all correspondence to:

Thomas F. Lebans
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603